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No. 09-1238

In The

Supreme Court of the United States

DENNIS HOLLINGSWORTH, et al.,

Petitioners,

v.

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, et al.,

Respondents.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

RESPONSE TO PETITIONERS' PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Should the Ninth Circuit's decision denying a petition for a writ of mandamus to halt the district court's enforcement of its order be vacated and the case be remanded to the court of appeals with instructions to dismiss in accordance with United *States v. Munsingwear, Inc.*, 340 U.S. 36 (1950)?

RESPONSE TO PETITIONERS' PETITION FOR A WRIT OF CERTIORARI

Respondents Arnold Schwarzenegger in his official capacity as Governor of California; Mark B. Horton, in his official capacity as Director of the California Department of Public Health and State Registrar of Vital Statistics; and Linette Scott in her official capacity as Deputy Director of Health Information & Strategic Planning for the California Department of Public Health, collectively (the "Administration Defendants"), do hereby respond to Petitioners' Petition for Writ of Certiorari as follows:

The Administration Defendants took no position on whether the trial proceedings in this matter should be publicly broadcast. In addition, the Administration Defendants did not participate in any of the proceedings before the United States Court of Appeals for the Ninth Circuit on this issue.

Accordingly, the Administration Defendants neither oppose, support, nor take any position as to Petitioners' request that this Court grant their writ of certiorari for purposes of vacating the Ninth Circuit's order denying their petition for writ of mandamus.

and remanding to the Ninth Circuit with instructions to dismiss the mandamus petition as moot.

Respectfully submitted,

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